

STATE OF ILLINOIS

ILLINOIS  
COMMERCE COMMISSION

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SEP 11 10 04 AM '01

Northern Illinois Gas Company )  
d/b/a Nicor Gas Company )  
Request for a Declaratory Ruling ) 01-0448  
Concerning the duration of Rider 4, )  
Gas Cost Performance Program. )

CHIEF CLERK'S OFFICE

**Northern Illinois Gas Company's  
Motion To Withdraw Its Request For Declaratory Ruling**

Northern Illinois Gas Company, d/b/a/ Nicor Gas Company ("Nicor Gas" or "Company") hereby respectfully requests that the Commission grant the Company leave to withdraw its request for a declaratory ruling concerning the timing of implementation of revisions to its Rider 4, Gas Cost Performance Program ("Program") presently pending before the Commission in this proceeding. In support of this motion, Nicor Gas states as follows:

1. On June 11, 2001, Nicor Gas filed a verified Request for a Declaratory Ruling ("Request") from the Commission, seeking a determination that its Rider 4, Gas Cost Performance Program, would remain in effect without change throughout calendar year 2002 or that the Company should be granted alternative relief designed to insure that Program results could be properly measured for 2002. The Company filed the Request because mid-year implementation of any changes to the Program made as a result of the Commission's review under Section 9-244(c) of the Illinois Public Utilities Act ("Act") could make the benchmark calculations used to measure Program results unworkable. This Request is presently pending before the Commission in this proceeding.

2. Staff filed a response in opposition to Nicor Gas' Request on July 2, 2001 and the Company filed a reply on July 17, 2001.

3. On August 30, 2001, the Administrative Law Judge issued a Proposed Order in this matter, and set a briefing schedule. Pursuant to that schedule, briefs on exceptions are due on September 14, 2001 and replies to exceptions are due on September 21, 2001.

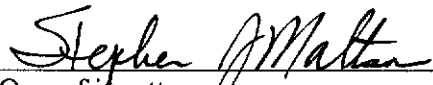
4. While the Company remains very concerned that mid-year implementation of changes to the Program resulting from the statutorily-mandated review could lead to an unworkable result, in view of Staff's opposition to the Company's Request and after review of the Proposed Order, the Company concurs that its concerns can be addressed as part of the review process under Section 9-244(c).

5. Accordingly, the Company respectfully requests that the Commission grant it leave to withdraw the Request currently pending in this proceeding. Withdrawal at this time would avoid further expenditure of the resources of the Commission and the parties.

WHEREFORE, Nicor Gas respectfully requests that the Commission grant it leave to withdraw the Request currently pending in this proceeding.

Respectfully submitted,  
NORTHERN ILLINOIS GAS COMPANY  
d/b/a NICOR GAS COMPANY

By: \_\_\_\_\_

  
One of its attorneys

Of Counsel:

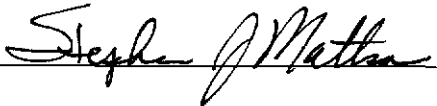
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September 10, 2001

**CERTIFICATE OF SERVICE**

I, Stephen J. Mattson, an attorney, hereby certify that I caused copies of Northern Illinois Gas Company's Motion To Withdraw Its Request For Declaratory Ruling to be served on all parties listed on the attached service list by e-mail and United States Mail, First Class, postage prepaid, on this 10th day of September, 2001.

  
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